

# Notice of Allowability

Application No.

10/610,947

Examiner

Helen O. Chu

Applicant(s)

MIZUTANI ET AL.

Art Unit

1745

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/10/2007.
2. ☒ The allowed claim(s) is/are 25-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☒ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. Applicants' amendment was received on July 10, 2007. Claims 15, 16, 18-24 have been cancelled. Claims 25-37 are new claims.
2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action.

#### ***Claim Rejections - 35 USC § 112***

3. The rejections under 35 U.S.C 112, first paragraph, on claims 15, 16, 18-24 are withdrawn because Applicants have cancelled the claims.
4. The rejections under 35 U.S.C 112, second paragraph, on claims 15, 16, 18-24 are withdrawn because Applicants have cancelled the claims.

#### ***Claim Rejections - 35 USC § 102***

5. The rejections under 35 U.S.C 102(e), as anticipated by Skala, on claims 15, 22-24 are withdrawn because Applicants have cancelled the claims.
6. The rejections under 35 U.S.C 102(e), as anticipated by McElroy, on claims 15, 16, 18-24 are withdrawn because Applicants have cancelled the claims.

### **EXAMINER'S AMENDMENT**

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Pledger on September 24, 2007.

The application has been amended as follows:

In Claims 25-28, Line 2; insert "fuel" in between "a" and "cell"

In Claims 29-36, Line 1, delete "claim" and insert "claims."

***Allowable Subject Matter***

8. The following is an examiner's statement of reasons for allowance:

The closest prior art to the Applicant's claimed invention is U.S. Patent 6,911,277 to Skala et al. and U.S. Patent 6,251,534 to McElroy

Regarding claim 25, the prior art fails to disclose a fuel cell system with a cell having a gas flow plate; a first gas flow channel and a second gas flow channel both provided in said gas flow plate such that a flow of gas along said gas flow plate is able to flow in a series flow from one of said first and second gas flow channels to the other of said first and second gas flow channels, and in a parallel flow along both of said first and second gas flow channels; and switching devices for switching the flow of gas from the parallel flow to the series flow, and from the series flow to the parallel flow.

Regarding claim 26, the prior art fails to disclose a fuel cell system comprising: a cell having a gas flow plate; a first gas flow channel and a second gas flow channel both provided in said gas flow plate such that a flow of gas along said gas flow plate is able to flow in a series flow from one of said first and second gas flow channels to the other of said first and second gas flow channels, and in a parallel flow along both of said

first and second gas flow channels; and switching devices for switching the flow of gas from the parallel flow to the series flow, and from the series flow to the parallel flow, wherein said switching devices are arranged outside of said cell.

Regarding claim 27, the prior art fails to disclose a fuel cell system comprising: a cell having a gas flow plate;  
a first gas flow channel and a second gas flow channel both provided in said gas flow plate, said first gas flow channel extending from a first manifold to a second manifold, said second gas flow channel extending from said second manifold to a third manifold; and switching devices for controlling a flow of gas through at least one of said first, second and third manifolds so as to switch a flow of gas along said first and second gas flow channels from a parallel flow to a series flow, and from a series flow to a parallel flow.

Regarding claim 28, the prior art fails to disclose a fuel cell system comprising: a cell having a gas flow plate;  
a first gas flow channel and a second gas flow channel both provided in said gas flow plate, said first gas flow channel extending from a first manifold to a second manifold, said second gas flow channel extending from a third manifold to a fourth manifold, said second manifold and said third manifold being connected by a gas flow path; and switching devices for controlling a flow of gas between said second manifold and said third manifold so as to switch a flow of gas along said first and second gas flow channels from a parallel flow to a series flow, and from a series flow to a parallel flow.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen O. Chu whose telephone number is (571) 272-5162. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/610,947  
Art Unit: 1745

Page 6

HOC

  
PATRICK JOSEPH RYAN  
SUPERVISORY PATENT EXAMINER